GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PS – PR and RD Department – Allegation of Irregularities in execution of NREGS works in Denduluru Assembly Constituency of West Godavari District, taken up by the PR Department – Disciplinary proceedings initiated against Sri S. Srinivasa Rao, Mandal Engineering Officer (Assistant Engineer), Pedavegi Mandal (now Retd.) – Inquiry conducted - Disagreed with the findings of I.O., and communicated disagreement factors -Representation received - Imposition of a penalty of 9.5 % cut in pension for a period of two years under Rule 9 of A.P. Revised Pension Rules, 1980 besides recovery of an amount of Rs.1,53,443.40 towards 60% of the amount of loss caused at Bank rate + 2% as per Article 300 of A.P. Financial Code Volume-I in lumpsum - Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.I) DEPARTMENT

G.O.RT.No. 31 **Dated: 25-01-2021.**

Read the following:

1. From GA(V&E) Department, Appraisal Report No.49(389/V&E/E2/11), Dt.10.05.2013.
2. Govt.Memo.No.14156/Vig.I/2013, PR&RD (Vig.I) Dept, Dt.12.03.2014.
3. From ENC, PR Letter No.Vig.II/888/2014, dt.10.07.2018.
4. Govt. Memo No.14156/Vig.I/2013, Dated: 29 .01.2019.
5. From Sri S. Srinivasa Rao, Asst. Engineer (retd.), representation dt: Nil (rec. on 7.3.2019).
6. Govt. Memo No.14156/Vig. I/2013, PR&RD (Vig. I) Dept., Dt:5.10.2020.
7. From Sri S. Srinivasa Rao, former MEO, Pedavegi Mandal, West Godavari Dist,. and retired Assistant Engineer, PR, representation dt: 20.10.2020.
8. Govt. Letter NO. 14156/Vig. I/2013, PR&RD (Vig. I) Dept., Dt:05.11.2020.
9. From the Secretary, A.P. Public Service Commission, Letter NO. 390/DC&C/2020, dt: 04.01.2021.

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ORDER:

In the reference 1st read above, the Director General, Vigilance & Enforcement Department has furnished the Appraisal Report relating to allegation of irregularities committed in execution of NREGS works in Denduluru Assembly Constituency of West Godavari District taken up by the PR Department and recommended to initiate departmental action against Sri S. Srinivasa Rao, Mandal Engineering Officer (Assistant Engineer), Pedavegi Mandal and against Sri Durga Prasad Rao, Deputy Executive Engineer, PRI, Eluru, for executing substandard quality of five works.

P.T.O.,

2. In the reference 3rd read above, the Engineer-in-Chief, Panchayat Raj, A.P, Vijayawada has furnished report duly stating that based on the Vigilance Report, charges were framed against Sri S. Srinivasa Rao, Mandal Engineering Officer (Assistant Engineer) for allegation of irregularities committed in execution of NREGS works in Denduluru Assembly constituency vide Charge Memo dt: 27.01.2015. The Superintending Engineer, PR, Eluru was appointed as Enquiry officer to enquire into the charges framed against the above Charged Officer viz., S. Srinivasa Rao, MEO/AE (PR) and against another Charged Officer viz., Sri P.V.S. Durga Prasad, Dy.EE (PR). The S.E, PR, Eluru & Inquiry Officer submitted inquiry report dt:24.3.2018 and held that charge is not held proved against both the charged officers duly mentioning that there is no financial loss in execution of 5 works. The Engineer-in-Chief, PR, while communicating the same, has requested the Government for taking further necessary action in the mater.

3. Government have examined the matter and disagreed the findings of the Enquiry Officer on the following disagreement factors :

i. The Inquiry Officer, in his Enquiry Report findings, has stated that the deficiencies in works were less than 10%, all the recoveries proposed by the V&E have been implemented, and as there is no loss to the Government, concluded that the charges framed against both the C.Os are not proved .

ii. The V&E officials have inspected 5 works , in all, costing Rs. 54.68 Lakhs. The following main irregularities, among others, were found by the V&E.

a. The tests conducted by V&E on gravel used in all the 5 works revealed that Liquid Limit, Plasticity Index did not comply the relevant standards and this item of work was to be rejected and re-laid. The substandard quality in this item of work was because gravel obtained from road side was used without bringing it from approved quarried and without using correct proportions of sand and gravel as specified in the agreement. The value of this item in all the works is Rs. 2,55,739 /-.

b. Deficiencies in thickness of WBM layer by 3.17mm (4.22%) & in thickness of GSB layers by 14.05 mm (14.05%) were noticed in work No.2. Further, deficiencies in density of Grade-II metal by 9.58%, 6.10% and 1.25% in Works Nos. 2,3, and 4, respectively were also noticed. As these shortfalls were within allowable limits of 20%, amounts of Rs. 62,686 /, Rs. 1,17,179 /-, Rs. 74,713 /- and Rs. 8,376 /- were proposed for recovery, respectively towards the deficiencies.

Contd..at P.3.,

iii. Further, the ENC, PR while furnishing the enquiry report stated, with regard to irregularity mentioned at sub-para (a) above, that as WBM layer was already laid on the GSB layer, as such rejection of GSB layer was not proposed and that the situation could have been avoided, had the field officers taken care while laying of GSB layer.

iv. Thus, from the above it is clear that substandard quality and quality of work was done in all the 5 works in different items like GSB, WBM, etc. Further, the fact that recoveries proposed by V&E have been paid itself indicates that irregularities have been committed in the first place.

v. Further, the amounts proposed by V&E at sub-para (**b**) only been recovered. As per V&E recommendation, the gravel carpet laid in all the 5 works is to be rejected and relaid due to its substandard quality as mentioned at sub-para (**a**) above. Since, WBM layer was already laid over Gravel layer and it was not possible to relay the layer subsequently, the rejection and relaying was not proposed as stated by ENC, PR. But it is a definitely a loss to the Government and it has not been recovered so far. The I.O., has failed to appreciate this point in his findings. Further, the statements taken by the IO during enquiry, at a distant point of time, from the villagers are not only general in nature but also not backed by the quality parameters /test results as submitted by V&E. Hence, they may not be relevant.

4. Accordingly, Government have rejected the findings of the Inquiry Officer and communicated the above disagreement factors by deviating with the findings of the Enquiry Officer, under Rule 21 (2) of A.P.C.S (CC&A) Rules, 1991, to the charged officer viz,. Sri S. Srinivasa Rao, MEO/AE (PR) directing to submit his representation, if any in the matter, vide reference 4th read above.

5. In the reference 5th read above, the charged officer Sri S. Srinivasa Rao, MEO/AE (PR) has submitted his representation stating that the road were executed with utmost care and good condition as on the date. He has requested to consider the same and requested to exonerate from the charges /further proceedings in the matter.

6. Government have examined the matter and observe that the tests conducted by the Vigilance & Enforcement on all the 5 works revealed that these works did not comply the relevant standards. The value of all the works is Rs. 2,55,739 /- The Charged Officer being the first level field officer failed to take care while executing the works

and caused loss to Government. As such, the charged officer is held responsible for substandard execution of the work in addition to recovery of Rs.1,53,443.40 [towards 60% of the amount, out of the total amount of Rs.2,55,739/-] loss caused in the matter. As such, the explanation of the charged officer to exonerate from the charges deserve no consideration and he is liable for penalty besides recovery.

7. Further, as per the Amendment to the to Article 300 of A.P. Financial Code, Volume-I made as per orders issued in G.O.Ms.NO.33, Finance (TFR.I) Department, Dt:9.2.2006, that "recovery from the Government servant for the losses by misappropriation of Government money shall be, recovery of the misappropriated amount / loss caused at bank rate as fixed by RBI + 2%.

8. Accordingly, Government after examination of the matter, have taken a provisional decision to impose a penalty of 9.5% cut in pension for a period of two years against Sri S. Srinivasa Rao, former MEO, Pedavegi mandal, W.G. dist., and Assistant Engineer (retired on 31.08.2018), under Rule 9 of A.P. Revised Pension Rules, 1980 beside recovery of an amount of Rs. 1,53,443.40 [towards 60% of the amount of loss caused] at bank rate + 2% as per Article 300 of A.P. Financial Code Volume-I.

9. Accordingly, in the reference 6th read above, Government have communicated the above provisional decision to impose the above penalty besides above recovery to the charged officer with a direction to submit his representation, if any in the matter. The charged officer has submitted his representation in the reference 7th read above duly stating that there was no proper enquiry conducted in the matter and requested to drop the proposed penalty against him.

10. Government have examined the representation of the charged officer and observe that did not submit any new grounds for consideration. The Charged Officer being the first level field officer failed to take care while executing the works and caused loss to Government and he is responsible for substandard execution of the works. As such, the representation of the charged officer to drop further action is devoid of merits. Accordingly, Government addressed the A.P. Public Service Commission for their concurrence for imposing the above penalty besides above recovery vide reference 8th read above.

11. In the reference 9th read above, the Secretary, A.P. Public Service Commission has communicated the consent of the Commission to impose the above penalty besides recovery on the charged officer and advised to take action accordingly.

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12. Accordingly, Government after careful examination of the matter, hereby order to impose a penalty of 9.5% cut in pension for a period of two years against Sri S. Srinivasa Rao, former MEO, Pedavegi Mandal, W.G. District and Assistant Engineer (Retired) under Rule 9 of A.P. Revised Pension Rules, 1980 beside recovery of an amount of Rs. 1,53,443.40 [towards 60% of the amount of loss caused] at Bank rate + 2% as per Article 300 of A.P. Financial Code Volume-I, in lumpsum.

13. The Engineer-in-Chief, Panchayat Raj, A.P, Vijayawada is directed to take necessary action and to recover the above amount accordingly from the charged officer in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI,
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri S. Srinivasa Rao, former MEO, Pedavegi Mandal, W.G. District
and Assistant Engineer (Retired)
through Engineer in Chief, Panchayat Raj, Andhra Pradesh, Vijayawada.
The Engineer-in-Chief, Panchayat Raj, Andhra Pradesh,Vijayawada

(with a request to serve the copy to the individual and communicated the dated acknowledgment copy to Govt.).

Copy to:
The Secretary to VC, A.P. Vigilance Commission, Velagapudi.
The Secretary, A.P. Public Service Commission, A.P, Vijayawada.
SF/SC.

//Forwarded :: By Order //

SECTION OFFICER